Negro Doomed By S. C. Court Wins Freedom

AIKEN, S. C.—(ANP)—L. D. Harris, freed several weeks ago by a U. S. Supreme Court ruling, was dismissed from prison last week when State Solicitor B. D. Carter announced that the State had dropped its case.

Harris had been held in prison for weeks, although the Supreme Court had ruled that the "confession," on which he was convicted for the murder of two whites, Mr. and Mrs. Edward Bennett, was obtained through force.

Harris was originally convicted by Judge J. Robert Martin Jr. The State Supreme Court by a 5-4 vote upheld the conviction, but the highest court of the nation reversed the ruling. Judge Martin had sentenced Harris to die in the electric chair Feb. 28, 1947.

NEGRO BLAMED

When the couple were found shot Sunday morning, April 28, 1946 Bennett incited the search for a Negro when his dying words were "A big Negro shot and robbed me." His wife died before she could make a statement.

Although Harris is a small fellow, authorities picked him up in Nashville, Tenn., where he worked as a laborer and arrested him. Police grilled him and finally announced that he had confessed "freely and voluntarily."

Judge Martin then appointed State Sen. Dorcey K. Lybrand and former State Rep. Leonard R. Williamson, and Julian B. Salley Jr. of Aiken to defend the Negro. Carter introduced the "confession" as evidence, but Harris' attorneys objected. On this point they appealed to the State Supreme Court then to the U. S. Supreme Court.

HELD SINCE JUNE

The Supreme Court made its ruling June 27, but prison officials kept Harris for "safekeeping" until last week.

In the meantime the sheriff, W. Price Fallow, has been forced to raise funds contributed by white citizens for the prosecution of the case. A total of $1,009 in cash was donated by fifty-four persons and others contributed pledges of $1,485.

R.R. FIREMEN WIN IN HIGH COURT:

Stricken Attorney Unaware of Victory

WASHINGTON

Stricken Charles Houston, one of the nation's outstanding civil rights lawyers, has not been told of his latest legal triumph.

Mr. Houston, who has been confined at Freedmen's Hospital since Oct. 15, does not know that on Monday, the U.S. Supreme Court made a significant ruling in the firemen's discrimination case that has been lingering in the courts for five years.

Although the lawyer's condition is reportedly better, his father, W. L. Houston, told the AFRO that his son's physician, Dr. Edward Mazique, only allows Mrs. Charles Houston and the elder Mr. Houston to visit him.

Can't Talk Shop

The physician has cautioned the relatives of the ill barrister to refrain from "talking shop," the AFRO learned.

Therefore, when it was learned that the Supreme Court held by a 7-0 decision that the complaint of 21 colored firemen charging the Brotherhood of Locomotive Firemen and Enginemen and three railroads with racial discrimination, can be tried in the local District Court, the news was kept from Mr. Houston.

The 21 firemen, represented by Mr. Houston, charged the brotherhood had violated a Supreme Court decision in the famous Tunstall and Virginia cases, had failed to represent them fairly in bargaining with Southern railroads, and had conspired with the railroads to prevent colored firemen from obtaining promotions.

The firemen originally asked District Court for an injunction against the union and the three railroads, claiming that colored were excluded from employment as firemen.

Court Scores Delay

The union, which has offices in Washington, but maintains headquarters in Cleveland, moved to dismiss the petition on the ground of lack of venue in the District of Columbia.

The District Court denied that motion, but the Court of Appeals ordered the case remanded and transferred to the Federal Court in Ohio.

The opinion, read by Justice Jackson, held that the court here has jurisdiction, thus reversing the court of appeals action.

The opinion went further by declaring that the history of the case "is a continuing and willful disregard which this court in unmistakable terms has said must be accorded to colored firemen."

Magazine Owner Wins Court Case

MIAMI, Fla.— A legal battle which began nearly two years ago in the Federal District Court here came to a climax, last week, when the United States Supreme Court denied a petition for a rehearing by Fawcett Publications Inc., publishers of True Confessions magazines, against Bronze Confessions.

The latter magazine is the first all-colored true story magazine published in this country. It is published by Sab B. Solomon of Miami.

The publishers of white confessions magazines began a suit in 1945 to compel suspension of the then new publication by claiming the use of the name, Bronze Confessions, was an infringement on their rights.

The suit dragged along through all branches of the Federal courts to finally reach the United States Supreme Court, where the decision was rendered in favor of Bronze Confessions and the publisher, Mr Solomon.

Supreme Court Rules For Firemen

Action Brought By Porters' Brotherhood

WASHINGTON, D. C.—In a unanimous decision issued this week, the United States Supreme Court handed down a ruling in support of the three questions of law on petition of 21 Negro firemen on three major southeastern railroads.

This action was brought on their behalf and on the behalf of other Negro firemen similarly situated against the railroads and the Brotherhood of Locomotive firemen and Enginemen.

12b 1949

Housing (New Jersey)

Decision Halts Jim Crow in Vets' Housing Project

The Afro American
Baltimore, Md.
Sat. 1-22-49

Historic Opinion Holds Separation by Race Violation of 14th Amendment

NEWARK

The City of East Orange was prohibited from discriminating against colored veterans in the selection of tenants for the city's four permanent housing projects by Superior Court Judge Alfred A. Stein on Wednesday.

Court action was brought against East Orange City Council last Nov. 23 by nine married veterans of that city, charging violation of both the State statutes and the 14th Amendment to the Constitution in its discriminatory policy of segregation of tenants for the housing projects.

The council, through its attorney, Walter Ellis, denied the bias charge, although admitting segregation in units designated for colored tenants. It denied the practice of discrminiation and moved for a dismissal of the complaint.

Judge Stein denied the motion and ruled that the city's expressed intent of assigning colored veterans to a segregated unit constituted unlawful discrimination in violation of the State Housing Act and the 14th Amendment to the Federal Constitution.

Sat.

Judge Stein granted a motion to Chester K. Lighan, Deputy Attorney General, to strike out the complaint so far as the State was concerned.

1-22-49

Stating that the city's housing projects are being financed by public funds, the act permitting those projects, Judge Stein said, carries an explicit prohibition against discrimination because of race, creed, color or national origin.

The projects call for 118 living units and four houses at the cost of $1,220,000, of which the State will pay three-fifths.

Two of the apartment houses are already completed. One, a 14-unit project on South Arlington Ave., designated for white tenants, already has leased 33 of the apartments.

Another project, a 14-family house that had been designated to colored occupancy, is on N. Clinton St.

The Afro American

One on Elmwood Ave. which will provide 40 units and a 20-family project at Rhode Island Ave. and Chelsa Pl. are under construction.

Fight Started Nov. 8

The ruling by Judge Stein climaxed a fight by the Oranges NAACP, with Herbert H. Tate and Jerome C. Eisenberg representing the nine veterans. The fight began last Nov. 8 when the City Council was asked to rescind its discriminatory policy in tenant selection.

An answer to the request was promised by members of the council on Nov. 22. While 30 veterans and observers waited five hours for consideration, some other city representatives left by the rear exit of the council chamber. No answer was made.

Ellis argued that the city's plan for setting aside the N. Clinton St. project for colored represented over 10 per cent of the units' accommodation, while colored citizens represented not more than 10 per cent of the city's population.

Population Not Involved

Judge Stein stated that in his belief, veteran housings are designated for those in greater need, regardless of their rank in population. "Is this not true?" he asked.

"The duties and responsibilities of citizenship are shared alike by both colored and white citizens. Witness the effort made, the blood shed and the lives sacrificed on one battlefield by citizens of all colors, creeds and races.

"Man's sense of justice, coupled with enlightened understanding of our common humanity would dictate that if there is no segregation in the field of civic duty and sacrifice, there be none in the realm of human dignity and quality," the judge said.

Baltimore, Md.

The nine veterans who are plaintiffs in the case are: Walter Scott Jr., Marvin Gannt, Charles Seawell, Robert Cook, Robert Martin, Richard Marquis, John R. Lee, Daniel L. Tindall Jr. and Frank Owens.

Sat. 1-22-49

Cite Vote Decisions Since 1941

CHATTANOOGA, Tenn. — The federal courts are beating down the efforts of "white supremacists" to disfranchise Negroes, according to the Southern Regional Conference.

In support of this contention, the council cited the decisions of district courts and the United States Supreme Court since 1941. In that time, the council said, the trend has been to consider the inten and operation of voting laws rather than the wording.

On the other hand ther are certain die-hards, who are still determined to deny Negroes the right to vote, the council declared. It cited the new Georgia registration law which is admittedly intended to end "bloc voting" by Negroes.

Jim Crow Aim

In addition to reducing the size of the electorate in Georgia despite improving educational standards in the state, the law can and probably will be administered on a Jim Crow basis. It requires that an applicant for the voting privilege be able to write legibly or read intelligibly, the Constitution. The registrars make the decision.

The council pointed out the similarity between the Georgia law and the outlawed Alabama Boswell amendment. The Alabama law required applicants to read and interpret the Constitution.

In outlawing it, the federal court declared that it could not ignore the impact it had on Negro citizens.

Cite Texas Case

Also cited was the Texas primary case, giving Negroes the right to vote in primary elections in that state. In addition the rulings of Judge J. Waites Waring on the South Carolina primary, giving Negroes the right to participate despite state efforts to make the party a private club.

The trend is toward "humanistic" interpretation of the law rather than the legalistic interpretations designed to deny Negroes the vote, the council observed. It is made up of labor, business, professional and civic leaders of every southern state.

Waring Decision Upheld

U. S. Appeals Court Backs Vote Rights Of Negroes in S. C.

(Special to The Courier)

RICHMOND, Va.—The United States Court of Appeals for the Fourth Circuit has ruled that Negroes may enjoy full membership in the Democratic party in South Carolina, including the right to vote in party primaries.

The opinion of the three-judge court was unanimous. The opinion upheld a decision of Judge J. Waites Waring of the Charleston (S. C.) District Court, which prevented South Carolina white Democrats from denying Negroes full participation in party affairs.

The Appeals Court decision was written by Chief Judge John W. Parker of Charlotte, N. C., and the opinion was handed down in Richmond.

STRICKEN FROM LISTS

The case involved an injunction granted by Judge Waring to David Brown, a Negro voter of Beaufort, S. C. Mr. Brown filed suit against Democratic party officials after his name was expunged from the party's voting lists in Beaufort in 1948. Brown's name was removed from the lists as a result of adoption of several party primary rules by a white State Democratic convention. The whites contended that various branches of the Democratic party in South Carolina constituted "clubs" and, as such, their members could pick and choose other members.

The Appeals Court opinion knocked that contention out of legal bounds, leaving only one course open to the Democratic officials named as defendants: They can ask the United States Supreme Court to review the decision of the Appeals Court. If a review is denied, the decision of Judge Parker's court will stand.

Judge Parker's opinion read, in part, as follows:

CONFINED TO WHITES

"By placing the control of the primaries in Democratic clubs, membership of which is confined to white persons and by requiring of voters in the primaries an oath which would effectually exclude Negroes, those in control are attempting to do by indirection what we held in (the case of) Rice v. Elmore they could not do, i. e., deny to Negro voters because of race and color the right to any effective voice in the Government of this State."

The Appeals Court also dismissed the defendants' contention that Judge Waring should have disqualified himself because of "bias and prejudice."

In his opinion, Judge Parker wrote that Judge Waring showed "utmost zeal for upholding the rights of Negroes under the Constitution and indignation that attempts should be made to deny them their rights."

12c 1949

Arkansas

Judge Rules Negroes Must Have Equal School Facilities

LITTLE ROCK, Ark., July 8—(AP)—A federal judge ruled today a school district must furnish Negro children educational facilities "substantially equal" to those provided white children. Judge Harry Lemley found the DeWitt, Ark., Special School District No. 1 does not have such facilities for Negroes between the ages of 6 and 21. He ordered the district to provide "substantially equal" elementary facilities within a "reasonable length of time."

12c 1949

Boswell Amendment

Alabama Law Intended to Restrict Negro Voting Held Unconstitutional

Court Prohibits Enforcement

By the Associated Press

Mobile, Ala., Jan. 7.—White-supremacy advocates lost a major round today in their fight to restrict Negro voting in the South.

A three-judge Federal Court held unconstitutional Alabama's 2-year-old voter-qualification law, the Boswell Amendment.

The amendment required registrants for voting to be able to "understand and explain" the U. S. Constitution.

The court said it "clearly appears that this amendment was intended to be, and is being used for the purpose of discriminating against applicants for the franchise on the basis of race or color."

The defendant Mobile County Board of Registrars was permanently enjoined from enforcing the amendment "in determining the qualification of any citizen who applies for registration as an elector."

Whether the ruling will be appealed to the U. S. Supreme Court was undecided. Assistant State Attorney General Silas C. Garrett III said this was a matter for the Mobile board to decide. The board members declined to comment for the present.

Lacks 'Reasonable Standard.'

Invalidation of the Boswell Amendment restored Alabama's 48-year-old voting requirement that registrants own $300 worth of property and be able to read the U. S. Constitution.

Ten Mobile County Negroes who brought the suit contended the wide discretion which the amendment granted to the registrars infringed on their constitutional rights.

The court agreed, and commented that the principal defect of the Boswell Amendment was that it did not provide a "reasonable standard" by which applicants for registration could be tested on the Constitution.

"If such a test or examination were provided to be administered to all prospective electors alike, then the Boards of Registrars would have definite guides to control their judgment in determining whether or not an applicant could 'understand and explain' the provisions of the Constitution," the opinion said.

Federal Judges Say Boswell Law Unconstitutional

Mobile Registrars Are Enjoined From Enforcing Voter Edict

MOBILE, Ala., Jan. 7—(AP)—Alabama's Boswell amendment, one of the last barriers to Negro voting in the South, was ruled unconstitutional today by a three-judge Federal Court.

The court permanently enjoined the Mobile County Board of Registrars from "enforcing the requirements of the two-year-old voter qualification law "in determining the qualification of any citizen who applies for registration as an elector."

The amendment required prospective registrants for voting to be able to "understand and explain" the federal constitution to the satisfaction of county boards of registrars.

TEN MOBILE COUNTY Negroes who brought the suit contended the widediscretion which the amendment granted to registrars infringed on their constitutional rights.

In its ruling, the court said two of these Negroes, Hunter Davis and Julius B. Crook, had met all other legal requirements and "were refused registration as electors because of their race or color."

"The subject matter of the Boswell amendment is within state power, and its validity depends upon whether it squares with the 14th and 15th amendments," the court said.

The decision added:

"The language (of the amendment) does not call for a simple, fair or reasonable understanding or explanation. It does not give any rule, guide or test as to the nature of the understanding or explanation that is required."

The court noted the Mobile Board of Registrars did not begin keeping records of rejected applicants for registration until after the suit was filed last February.

PRIOR TO MARCH 1, 1948, the court said 39 Negroes had been registered. After that date 65 Negroes were registered and 57 were rejected. All of the rejections were caused by the Boswell amendment, the court said.

Eleven white applicants were rejected after March 1, but the court said they were turned down for reasons other than the Boswell amendment. Three other whites were allowed to register after being questioned on the constitution.

Defeat For White Supremacy

(From The New York Herald Tribune)

The Negro's right to vote seems obvious enough, but his actual progress to the ballot box is not always as plain. Of all the devices in the South to uphold white supremacy and continue the Negro in effective disfranchisement, Alabama has one of the more ingenious arrangements. This is the so-called Boswell amendment, which empowers registrars to call on a prospective voter to explain the Constitution. Adopted in 1946, it was frankly and unabashedly a last-ditch stand to bar the Negro from voting. For many years a $300 property requirement had been a practical restriction, but, understandably, this no longer worked. To the credit of Alabama, it must be said that there was considerable opposition to such repressive tactics, but the law was adopted and in time taken to the courts.

The encouraging news is that a Federal court at Mobile has just ruled that the Boswell amendment does not hold water. The law, while lacking in specific mention of race color, is recognized in its full and pointed intent. It aims to discriminate and sets up a simple mechanism used exactly for that purpose. The court took cognizance of the facts and ruled accordingly. While there may be an appeal to higher courts, the victory is clear. The Negro cannot be kept from voting because he is a Negro. In decision after decision the judges are refusing to accept subterfuges. The principle of equal rights to the ballot is being hammered out in practical detail. Acceptance may not be automatic; great changes work slowly. But this growing right to vote, not just in theory but in hard practice, is one of the great advances that the Negro is making all over the South. And it is most important that the essence of the gain, an instrument of self-advancement for the Negro, is being accomplished by the South itself.

Boswell Amendment Ruling Hits Subterfuge Pattern

The ruling handed down by a federal court tribunal Wednesday declaring the infamous Boswell Amendment of Alabama as unconstitutional carries with it a deep significance for Negro voters of the South, and more specifically in Georgia and South Carolina where similar ruses are expected to be pushed.

In voiding the Boswell Amendment, the judges concurred that it did not square with the Fourteenth and Fifteenth Amendments of the U. S. reasonable understanding or explanation (of the Constitution). It does not give any rule, guide or test as to the nature of the understanding or explanation that is required."

GEORGIA PATTERN

It has been declared by Fred Hand, speaker of the Georgia House of Representatives, that he will press legislation in the coming General assembly aimed specifically at nullifying Negro voting. The core of the legislation is House Bill 96 that died in the Georgia Senate in 1947.

The three bills being considered would:

1. Require both good character and educational qualifications and that every voter be required to register again, with qualification tests being waived for those persons who have regularly voted prior to 1938.

2. Another plan would compel any voter to re-register every two years, and financing of the registration would be aided by a $1 registration fee.

3. The registrars of the various counties would have the discretion of passing upon the qualifications of would-be-voters.

The former and latter bills would compare closely to the Boswell Amendment if put into effect, since it has been openly stated that a voters qualification law would be aimed at disfranchising the Negro The second proposal is tantamount to a poll tax requirement.

Governor Talmadge in his campaigning declared he would stop "bloc voting" by Negroes by passing restrictive legislation which would make the ballot "as white as possible."

S. CAROLINA'S STATUS

Since the U. S. Supreme court has ruled that Negroes be allowed to vote in the Democratic primaries, many of the Southern Democratic party leaders have fought incessantly to seek some means of circumvention. In South Carolina, where it is believed the fight has petered out, party leaders met in late December and appealed an order by U. S. District Judge J. Waties Waring enjoining them from enforcing a set of party rules which includes an oath binding members to support racial segregation.

In both Alabama and Mississippi the poll tax is required of all voters. This prop of holding the voting strength to a minimum is expected to be removed by action of the 81st Congress. It is one of the President's civil rights proposals that has met with least opposition.

Boswell Amendment.

Alabama's Supreme Court Division

In a sharply divided opinion that will disappoint many Alabamians, the Alabama Supreme Court has approved the McCorvey-Wilkinson amendment "does not meet the objections" raised against the Boswell Amendment.

Justice Robert T. Simpson held that Chief Justice Lucien D. Gardner is ill and could not participate.

Four of the seven members put their stamp of approval on the latest proposal Justice Thomas S. Lawson said flatly that the McCorvey-Wilkinson amendment "does not meet the objections" of the United States Supreme Court.

the Alabama Supreme Court had no business passing on the matter since it is destined for review by the U. S. Supreme Court.

By interesting coincidence, the two members who rejected the McCorvey-Wilkinson Amendment are the two youngest men on the Alabama Court.

One must assume that this four-man approval of the Boswell substitute means likely passage by the Legislature, although there is growing sentiment for a voting law that lends itself more to impartial administration. Thu. 6-9-49

If the McCorvey-Wilkinson law requiring new voters to have "good character" and to "embrace the duties and responsibilities of citizenship" is presented to the people, there is serious doubt that the people of Alabama will approve it. Montgomery, Ala.

The same team of McCorvey-Wilkinson assured Alabamians back on 1946 that the Boswell Amendment was sound, yet it was thrown out by the Supreme Court, and laughed at all over the country as a crude and obvious effort at legal discrimination.

With this same McCorvey-Wilkinson sponsorship, and the divided opinion of Alabama's own Supreme Court on the Amendment's constitutionality, Alabamians are likely to think twice before giving their stamp of approval.

The proper course in the opinion of this newspaper would be the adoption of a voting law based upon fair and clearly defined educational qualifications such as those proposed recently by Montgomery's Richard T. Rives. Efforts at artful discrimination are no credit to us either as Alabamians or as citizens of the world's greatest democracy.

12c 1949

Firemen

In Negro Court Acts Railroader's Suit

Discrimination By Union Groups Is Forbidden

Federal Judge MacSwinford yesterday enjoined several railroad lodges from discriminating against Negro firemen.

The ruling was made in the case of Cyrille Salvant, Mobile, Ala., Negro who is a fireman on the Louisville & Nashville Railroad.

The injunction does not affect the railroad. It will be in effect until the issues are tried and determined.

The suit is the result of the brotherhoods' call for a conference to change their contract with the railroad. The original contract dates from March 1, 1929, and the call for the conference was issued January 26, 1948. The suit charges that although the brotherhoods represent Negro firemen, the call was for the express purpose of discriminating against them and they have no other recourse except the courts.

The ruling affects the Brotherhood of Locomotive Firemen and Enginemen; the Pan American Lodge No. 39; Ohio Falls Lodge No. 578, and Alfalfa Lodge No. 878.

Judge Swinford overruled a motion to dismiss because of lack of jurisdiction, saying: "This court must retain jurisdiction on the ground that this is a class action."

In denying an injunction against the railroad, Judge Swinford said: "The railroad is a public-service corporation under strict obligation to run trains and serve the public. It is required by law to recognize the right of the union to bargain collectively. It has either to accept the union representatives, as their credentials warranted, or stop operations. The railroad could not jeopardize operation of its system while it litigated with the union the questions involved in this lawsuit."

The memorandum said the real controversy is between Salvant and the brotherhood. Judge Swinford said it may be assumed insofar as the case has developed that the railroad must willingly or unwillingly treat with the representatives of the craft whether that craft is composed partly of Negroes or not.

The issue, the judge added, is whether the brotherhood, by suggesting the proposed amendment to the agreement, is trying the freeze the Negro out of the craft which it is serving as statutory representative.

In discussing the Negro's contentions, Judge Swinford said if they are true "there can be no question but he will be severely damaged." Judge Swinford, discusing the January, 1948 meeting case, said:

"If his inferences from the import of the result of such a meeting are justified, he is being discriminated against solely because he is a Negro."

As to the injunction, he court said, "If the final hearing does not sustain (Salvant's) allegations, the brotherhood has suffered no real injury."

The case and ruling affects only railroads in the southeast. There are no Negro firemen working north of Nashville, the case states.

Sante Fe Porter-Brakemen Win Job Fight in 7th Circuit Appeals Court

Ruling Hailed as Providing Legal Ammunition to Brakemen's Group Rebuffed in Texas Case

CHICAGO—(ANP)—The rights of porter-brakemen of the Sante Fe Railroad to continue in their jobs were upheld here last week in a three-judge court in the U.S. Circuit Court of Appeals, 7th Circuit.

Judges Major, Sparks and Lindley ruled that an order and award entered April 20, 1942, by the National Railroad Adjustment Board First Division, was void. This award, known as "award 6540," called for the removal of the porter-brakemen and their replacement by white trainmen.

Sustained District Court

On Feb. 6, 1948, U.S. District Judge Walter J. LaBuy issued a temporary injunction against the railroad company and the Brotherhood of Railroad Trainmen, keeping them from enforcing that award.

Richard E. Westbrooks has been the attorney for the colored workers in their fight for their jobs since the issue first came up originally in 1942.

The action against the Santa Fe Railway, the National Railroad Adjustment Board and the Brotherhood of Railway Trainmen has been prosecuted by the Brotherhood of Sleeping Car Porters in the interest of its members employed by the Santa Fe Railway.

Decision Hailed by Railmen

The case of the Brotherhood was based upon the contention that the constitutional rights of the colored porter brakemen on the Santa Fe Railway had been invaded when said order and award was issued by the National Railroad Adjusting Board displacing colored porter-brakemen with white porter-brakemen.

It was pointed out that the said porter brakemen had not received notice of said action and the First Division of the National Railroad Adjustment Board which ruled in the case was composed of members from five railway unions whose constitutions have color clauses in them, excluding all but white workers from membership.

This is a notable and far-reaching victory for all colored railroad workers," A. Philip Randolph, president of the Brotherhood said, "since it strikes at the sinister monster of racial prejudice with respect to democratic employment in the railroad industry."

Court's Ruling Significant

In the unanimous decision of the Circuit Court of Appeals the following fundamental and significant statement was made:

"While we are of the view that the award is void because the board exceeded its authority, we place our decision primarily upon the ground that it was made without notice to the porters as the statute requires, and that their constitutional right to a hearing was denied."

Set Back in Texas Case

In another Federal court decision rendered last week in Fort Worth, Texas, by the Fifth U. S. Circuit Court of Appeals, colored brakemen fighting for their jobs suffered a set back.

This court affirmed the decision of the U.S. District Court for the Western District of Texas in its ruling that colored brakemen cannot by-pass the National Railroad Adjustment Board and sue in the Federal courts upon grievances with their employer.

The brakemen had contended that only in this manner might they obtain a degree of impartial treatment, inasmuch as they are barred from membership in the lily-white unions which select the labor members of the NRAB.

Attorneys for the colored brakemen, F. S. K. Whittaker of Houston, Oliver W. Johnson of San Antonio, and Charles H. Houston and Joseph C. Waddy of Washington, have filed a motion for a rehearing.

Court Sees No Bias

The appellate court denied the charge of the brakemen's counsel that the structure of the First Division of the National Railroad Adjustment Board "is fatally trainted with race discrimination."

The court, in its opinion, declared that "the dispute here involves no racial element whatever.

"The fact that the brakemen in one group are colored, in the other white, has no bearing on the demands of the BRT (Brotherhood of Railroad Trainmen) lodges that they be allowed to run off accumulated mileage."

It has no bearing on the insistence of the colored railway trainmen that none of them should be displaced, the court held.

"The doctrine that in circumstances of this kind a person is entitled to a special tribunal or special treatment because of the color of his skin has never prevailed in this country, in or out of the courts," the decision set forth, adding:

"If the position taken here should be sustained, the United States and every State must redraft all its laws, remake all its appointments."

Ruling Meant Job Loss

The colored brakemen who sued are employed by the St. Louis, Brownsville & Mexico Railroad and are members of the Colored Trainmen of America. They sought to enjoin the enforcement of an award of the First Division of the NRAB against the San Antonio, Uvalda and Gulf Railroad and the white Brotherhood of Railroad Trainmen.

The First Division found that the white trainmen were due 229,000 miles accumulated because colored brakemen had been permitted to run on the St. Louis, Brownsville & Mexico over 17 miles of San Antonio, Uvalde & Gulf lines.

—The Brotherhood asked the First Division to permit the white brakemen to run off this accumulated mileage. The only way this could be done was by displacing the colored brakemen.

Group Denied Hearings

The First Division refused to allow the colored brakemen to intervene in the controversy between the brotherhoods and the San Antonio, Uvalde and Gulf over the passenger miles the white brakemen had accumulated.

It also refused to allow the colored brakemen to present evidence that they had accumulated 330,000 miles by reason of yard jobs given white brakemen.

The colored brakemen brought suit. They challenged the structure of the First Division of the National Railroad Adjustment Board on the ground that five of its ten members represented unions which barred colored railroad workers from membership.

The Constitution Means What It Says On Equality

Courier Journal
Louisville Ky
Fri 4-1-49

THE judge had a blunt and accurate word for the laborious evasions by which the State University keeps Negroes out of graduate and professional schools. He called it "pretense."

This came in the decision that LYMAN T. JOHNSON, a Louisville Negro teacher of social sciences, should be accepted as a student at Lexington. Judge H. CHURCH FORD, in Federal District Court there, asked several simple questions for which there were the clearest of answers

Can a Kentucky Negro seeking a Ph.D. degree, as JOHNSON does, or a professional degree in law or medicine, find facilities for study, research and instruction in any school for Negroes in the State? The answer is no. Then comes the next step of inquiry. In view of the U.S. Supreme Court's rule that equality of educational opportunity is a constitutional requirement, is it legitimate to say that equality may be found in sending instructors and books from the University to teach a Negro student, however isolated? As far as Judge FORD is concerned, the answer is still no. You can't make a graduate school out of an alcove in the State Capitol or in an office many miles away from where the real school operates. A school is a school, not a traveling shelf from a library or a grimly commuting professor.

A glaring example of what Judge FORD called pretense was at hand. A single Negro student of law, JOHN HATCH, is technically enrolled in the University but not admitted to classes with white students. There is the DAY Law, you know, which says whites and Negroes must not be taught together. For one semester six law professors would go from Lexington to Frankfort, 26 miles away, to teach HATCH. An alternative, later embraced, was to employ four special professors for HATCH at Frankfort. Still another was to let HATCH go to Lexington, and be taught in afternoons when there were no classes for white students.

Fri 4-1-49

What Judge FORD said was nothing more or less than that this sort of thing doesn't morally or technically meet the requirements of equal opportunity. And obviously it doesn't, just as it doesn't make economical sense. Judge FORD's ruling was inevitable. Indeed, it seems almost routine as an application of all that the U.S. Supreme Court has said on the subject in the last two years. Perhaps now the court may have to say it all over again, because the University or the State probably will appeal, testing to the last the conflict between Kentucky's DAY Law and the constitutional principle. The decision of Judge FORD may disturb a great many people (the usual word for such a statement, involving a clash with attitudes and custom is "historic"). But it merely follows a historical trend.

There is also some precedent for calm acceptance of the new arrangement. As in Kentucky, there were loud protests also in Arkansas when a Negro man was enrolled in the University's school of law and a Negro woman in the school of medicine. There was at first the same tortuous arrangement of segregation, special and private tutoring. But the thing quietly lapsed into normal classroom seating, and no harm done. We have an idea that Kentucky students in graduate and professional schools are no less mature than those farther south. And we also have an idea that once the State and the University officials do the necessary obeisance to the DAY Law—for after all, it is the law—they also will accept the fact that the Constitution means what it says.

Kentucky Comes Through

Chicago Defender
Sat 4-16-49

"That it shall be unlawful for any person, corporation, or association of persons to maintain any school, college, or institution where persons of the white and colored races are both received as pupils for instruction; and any person or corporation who shall operate or maintain any such college, school, or institution shall be fined $1,000; and any person or corporation who may be convicted of violating the provisions of this act shall be fined $100 for each day they may operate said school, college, or institution after such conviction."

The statement above is the opening section of the Kentucky Day Law which from its enactment in 1904 until last week has been the strongest pillar of the Jim Crow social structure of the bluegrass state. Conceived in crass racial prejudice and enacted with full knowledge of its basic inequity, this infamous law for almost half a century has made a mockery of democracy in Kentucky.

Last week, Federal Judge H. Church Ford of the U. S. District Court struck a blow against this Jim Crow structure. In a suit brought by Lyman Johnson of Louisville, who sought admission to the graduate school of the University of Kentucky, Judge Ford ruled that the university must open its doors to the Negro applicant, or the state of Kentucky must provide a graduate school for Negroes "substantially equal" to that of the University of Kentucky.

Commenting on the ruses by which the state has tried to evade the U. S. Supreme Court decisions requiring equal educational facilities, Judge Ford declared. "There is no use in arguing that such a pretense meets with the constitutional requirement of equality of opportunity. . ."

The trustees of the University of Kentucky have stated that the decision of the Federal Judge will not be appealed. Thus, the Day Law has been shattered and the lily-white policy of the University of Kentucky Graduate School must now be abandoned.

Sat 4-16-49

In fairness to white Kentuckians, it must be noted that most of the white leadership in the field of education in the state recognizes that the time has come to end this injustice to Negroes. Further, the students of the lily-white universities and colleges in Kentucky will, it is believed, accept the decision without protest.

Although professional Southerners are still shouting that hell will freeze over before they abandon segregation in the South, it is apparent that the Jim Crow system is crumbling, and, as far as any of us know, Hades is unaffected. Democracy is marching on.

Negro Student to Enroll For U. K. Summer Term

Courier Journal
Louisville Ky
Fri 4-1-49

Lexington, Ky., March 31 (AP)—The first Negro student in history of the University of Kentucky plans to enroll for the summer term.

Lyman T. Johnson, Louisville Negro schoolteacher who was told by Federal Judge H. Church Ford here yesterday that doors to the university's Graduate School were open to him, said he hoped to get into summer classes and work toward his Ph.D.

If legal development do not block his entry, Johnson will become the first member of his race to receive instruction in a white university below the Mason-Dixon Line.

The question arose today whether the university would lodge him a men's dormitory. Dean Maurice Seay said he didn't know yet, and wouldn't know until a decision is reached on an appeal of Judge Ford's ruling.

Seay said two other Negro students have applications for graduate study pending. Both are being taught now under an agreement whereby the university provides instructors for Kentucky State Colelge at Frankfort, the lone state instiution of higher learning for Negroes.

If there is no appeal, Seay said those two might reasonably be expected to join Johnson in enrolling this summer or in the fall. One is a sociology student and the other is seeking a home-economics degree.

Beyond that, Seay said there was no way to tell how many other Negroes qualified for graduate study might take advantage of the ruling.

Judge Ford made it plain today that his decision in no way affects Kentucky's Day Law forbidding Negroes and whites from going to school together. Race segregation was not an issue in the Johnson case, he pointed out.

"There is nothing unconstitutional about segregation," he added. "The Federal Constitution requires equal opportunities if there is segregation."

Fri 4-1-49

His decision, he said, will protect authorities who allow Johnson to attend the university in violation of the Day Law until Kentucky provides an adequate graduate school for Negroes.

He ruled in favor of Johnson's entry on the grounds that the State does not provide graduate-study facilities for Negroes substantially equal to those of whites.

Kentucky U. Opens Doors to Negroes

Evansville
Fri 4-1-49

LEXINGTON, Ky., March 31. —(AP)—The doors of the University of Kentucky Graduate School were open today to Negro students.

Federal Judge H. Church Ford ruled yesterday Negroes were entitled to entrance on the same basis as white students until a graduate school for Negroes "substantially equal" to that at the university is provided by the state.

12c 1949

Negro's Case To Open Today In U. S. Court

Louisvillian Seeking Admission to U. of K.

Lexington, Ky., March 29 (AP) —The case of a Louisville Negro seeking admission to the University of Kentucky is scheduled to open in Federal Court here tomorrow.

The long-delayed trial of the suit, brought by Lyman Johnson, appeared ready today for a showdown before Judge H. Church Ford, who will hear it without a jury.

Johnson's case will involve three points:

1. Whether provisions are adequate for Negro higher education at Kentucky State Colleges at Frankfort.

2. Whether these provisions answer the constitutional requirements for equal opportunity among races.

3. Whether such facilities, established on a basis of segregation, can satisfy the Constitution of the United States.

Johnson filed his suit last June 21 after he was refused admission to the U. of K. Graduate School. In his original action, he asked $15,00 damages, but later dropped that part of the suit.

Courier-Journal Photo by Joe Reister.

LYMAN JOHNSON, right, Louisville teacher, confers with Dr. R. B. Atwood, president of Kentucky State College for Negroes, Frankfort.

U. K. Grad School Opened to Negro

Judge Holds Louisville Teacher May Enroll On Equal Basis

By the Associated Press.

Lexington, Ky., March 30.—Federal Judge H. Church Ford today opened up the doors of the University of Kentucky Graduate School to Negro students.

He ruled that Negroes were entitled to entrance on the same basis as white students until the State provides a graduate school for Negroes "substantially equal" to that at the university.

The decision was handed down in a suit filed by Lyman Johnson, Louisville Negro school-

teacher, who was admission to the u... Graduate School to stu... degree of doctor of hhilosophy.

nounced it was resting its case, Johnson's attorneys, all Negroes, asked for a judgment on facts.

The judge announced:

"Until the State shall establish (for Negroes) a graduate school substantially equal to the Graduate School at the University of Kentucky, it must admit Negroes on the same basis as whites."

Johnson's suit was filed against the university board of trustees. Its president, controller, and several deans.

Testimony Lasts 3 Hours.

Most of the testimony, which lasts only about 3 hours, concerned a contract drawn up last July between the university and the State Department of Education to provide university instructors for students at Kentucky State College for Negroes in Frankfort. It also set out that Frankfort students could use laboratory and library facilities at the university which were not available at the Negro college.

Most of the defense witnesses expressed opinions that Negroes could obtain instruction through the plan equal to that received by students on the campus at the university.

Counsel for Johnson played heavily on the distance of 29 miles separating Frankfort students from the university libraries and laboratories.

Dr. Donovan testified that the university had "every intention of carrying out the contract in good faith."

He said he conferred with the attorney general's office, the State Department of Education, and Dr. R. B. Atwood, president of Kentucky State College, before the contract was drawn up.

For the three students taking classes under the plan, he said the university assigned staff members in the physical-education department and hired four professors in the Law School.

Judge Ford interrupted proceedings several times to ask questions concerning testimony.

"Any student at Frankfort would be 26 miles from the library," he suggested.

Tells of Book Transfers.

"We would transfer books back and forth as they were needed," Dr. Donovan answered.

"The contract says no such thing," the judge stated.

"The arrangements were made," Dr. Donovan replied.

"The contract says you would furnish them (books) on the U. K. campus and would pay travel expenses of the students," the judge added. "Concerning the case of the history student which is before us, do you think any arrangements using such migratory professors would make for efficiency at both schools or you just anticipate such a plan soon would become impractical and you would have to resort to other methods as in the case of the law student?"

Dr. Donovan said the commuting arrangement was satisfactory in the case of the university's Northern Kentucky Extension Center at Covington.

Says Libraries Comparable.

Law Dean Elvis Stahr of the university told the court he and five other professors "drove our own cars to Frankfort to teach for a half a semester." He said the group recommended that the trustees hire other teachers because schedules were fixed before John Hatch, the one Negro law student at Frankfort, entered school and the teachers had to teach him in the late afternoon.

Stahr said Hatch suffered from inability to hear discussions by classmates, inability to attend "bull sessions," and inability to attend "moot court." The student gets more individual attention than the students at the university, however, he added.

He said the law libraries at the university and at the State Capitol, where Hatch is taught in the Court of Appeals room, are comparable.

Appeal Is Likely.

Unless the decision is reversed in an appeal to a higher tribunal, the university will become the first south of the Mason-Dixon line and east of the Mississippi River to admit Negroes.

As the result of a recent Supreme Court ruling, based on constitutional provisions that Negroes shall be provided educational opportunities equal to those of whites, two Negroes have been admitted to the University of Arkansas and one is enrolled at Oklahoma University, in states which normally follow the segregation policies of the South.

Counsel for the university and the State announced the decision would be appealed if authority is forthcoming from the school and the State attorney general.

Asks Judment In Facts.

University President H. L. Donovan, who sat through testimony in the case and was himself a witness, declined to comment immediately. He referred all questions to "my lawyers."

Judge Ford annbunced his decision with unexpected suddenness. When the defense an-

Kentucky U. Loses In Suit by Negro

U. S. Court Rules Graduate School Must Admit Him

LEXINGTON, Ky., March 30 (AP).—United States District Judge H. Church Ford ruled here today that Lyman Johnson, Louisville Negro, was entitled to admission to the University of Kentucky Graduate School.

Judge Ford said the defense had failed to prove that facilities at Kentucky State College for Negroes at Frankfort provided opportunities for Negroes equal to those of white students at the university.

"Until the state shall establish (for Negroes) a graduate school substantially equal to the graduate school at the University of Kentucky, it must admit Negroes on the same basis as whites," Judge Ford said.

Counsel for the state and the university announced they would appeal the decision if authorized by the State Attorney General and the university.

Segregation Ended at Airport: Restaurant Equality Prevails

(Negro Athlete Guilty in Segregation Case. Page 5)

By Richard L. Lyons
Post Reporter

National Airport dining rooms were opened to whites and Negroes alike yesterday in accordance with a ruling Monday in Alexandria Federal Court by Judge Albert V. Bryan.

The nonsegregation policy went into effect at noon after Air Terminal Services, Inc., issued a statement that Judge Bryan's decision "satisfactorily concludes the matter, so far as ATS is concerned."

ATS, a private organization, operates the four restaurants under a contract with the Civil Aeronautics Administration.

The new policy had shown little effect by last night, according to ATS employes. By 6 p. m. only three Negroes had eaten in the coffee shop and none in the larger Terrace Dining Room.

The Negroes, they said, were men who had been waiting all morning to be served.

One of them was Edgar G. Brown, director of the National Negro Council, who had been a leading nonsegregation exponent. Each person was served without incident.

Judge Bryan's ruling held valid an order issued December 27 by CAA Administrator D. W. Rentzel banning segregation in airport dining rooms. AS had sought an injunction to prevent its enforcement.

The statement issued yesterday by ATS explained its stand on the issue.

"There will be no appeal," it said. "The company, in filing the suit, was not actuated by a desire to enforce segregation at the National Airport.

"The company felt that judicial authority was necessary in order to rescue it from the dilemma in which it was placed by the peremptory order of the administrator. Judge Bryan's decision resolves this conflict, and the company is well satisfied with the result."

ATS made its decision before it knew what action would be followed in three individual damage suits scheduled for hearing before Judge Bryan Thursday. These suits, each filed by Negroes before Rentzel's order was issued, claim illegal segregation at the airport dining rooms.

Joseph C. Waddy, whose Washington law firm represents the plaintiffs in these cases, said one case has been dropped, one plaintiff has not yet been reached, and the third had not made up her mind as to whether to press the case.

The case dropped, he said, was the one brought by Mrs. Sadie T. M. Alexander, Philadelphia attorney and a member of the commission that drew up President Truman's civil rights program last year. She had sued ATS for $15,000.

The others had sought a total of $48,000 in damages and named Eastern Airlines and the CAA Administrator as defendants as well as ATS. They were Mrs. Helen Nash, 1330 13th st. nw., whom Waddy said has not decided what to do, and Miss Lilly Cunningham of New York, with whom he has not yet talked.

U.S. Court Upholds Edict

Judge Rules National Policy Guiding Factor

NOW OPEN TO ALL

6 Refused Service in Spite of Order

WASHINGTON

Judge Albert B. Bryan, presiding over the Federal Court of the Eastern Region of Virginia at Alexandria, Monday, dismissed a complaint filed by the Airport Services Organization and upheld the right of Civil Aeronautics Administrator D. W. Rentzel to abolish segregation in the National Airport.

In handing down his decision, Judge Bryan ruled that the order of Mr. Rentzel was in keeping with Federal policy and therefore took precedence over the Virginia segregation laws.

Representatives of the Airport Services Organization declared that they accepted the decision and that facilities of the airport would be open to all persons, regardless of race or color, beginning Tuesday morning.

In asking that the order be set aside, Frederick J. Ball, attorney for ATS, offered, in evidence, a copy of a contract with which ATS had with CAA to operate the food concession at the airport.

The agreement drawn up on Feb. 19, 1941, Mr. Ball contended, implied that service for colored be maintained in a separate cafeteria. According to the contract, the reference to a colored cafeteria is mentioned four times in the contract.

Harrison's Letter

He also offered in evidence a letter written by W. Averill Harriman, former Secretary of Commerce, on Aug. 1, 1947, to the Speaker of the House of Representives asking that Congress pass a law banning discrimination at

The ATS attorney said he had been under the impression to which Justice Department officials had previously concurred, that in the absence of a Federal law, the Virginia State segregational laws would be applicable to the airport restaurants.

Dismissal Requested

The Justice Department's representatives sought a dismissal of the laws on three grounds. First, the court lacked jurisdiction in the case of the defendant, D. W. Rentzel, CAA administrator, for lack of proper venue.

Secondly, in the case of co-defendant George R. Henerickhouse, U.S. Attorney, the court lacks jurisdiction in equity to enjoin prosecution for violation of criminal code.

Thirdly, as to both defendants, the complainant fails to state a claim for the relief that may be granted.

Melvin R. Siegal of the Department of Justice, handling the government's defense, contended that Mr. Rentzel's order automatically waived the portions of the contract referring to separate facilities.

He maintained that Mr. Renzel's order was perfectly legal and cited cases where Federal orders took precedence over conflicting State statutes.

Open defiance of the CAA's non-segregation order was revealed when at the AFRO's instigation a group of women representing Alpha Kappa Alpha Sorority, which held its annual boule here last week, was selected to accompany AFRO representatives to the airport.

They volunteered to serve as "guinea pigs" in an experiment to determine the effectiveness of the edict issued, Monday, by D. W. Rentzel, CAA Administrator, at the behest of President Truman.

Aeronautics Aide in Group

The group of AKA sorors included Mrs. Margaret Davis Bowen of New Orleans, Mrs. Velma Davis Perkins of Baton Rouge and Miss Patricia Huggins, a junior at Howard University.

AFRO staff men Lanier Covington and Al Sweeney, along with Al Lockhart, agency director of USAA, completed the party.

The delegation entered the airport's swanky terrace dining room, where, before they could find a table, they were met by a waitress, who bolted across the dining hall to proclaim breathlessly:

"I am sorry, but we don't serve colored people in this dinin room."

"No Change in Policy"

When asked whether or not she was acquainted with the CAA' order banning segregation, the waitress stated:

"We have been instructed that there has been no change in the policy of the dining room and that we can serve white persons only.'

A request was made for the manager and he appeared on th scene immediately.

Paul R. Boyd, general manager of the Air Terminal Services Inc. operators of the terminal's food concession, declared, "we are stil abiding by the Virginia law on segregation, while our legal department studies this matter."

He pleaded that he had "no feeling one way or another in the matter," but that he was "merely following instructions."

He went on to say that ATS operated concessions in 45 States including LaGuardia Field in New York City and the Philadelphia Municipal airport, where there was no segregation.

Airport Leased to U.S.

Under an act of Congress, ratified by the Virginia Legislature the airport is, in effect, a Federa reservation.

The sponsor of the Virginia ratification bill, William D. Medley former State Senator, said that Virginia gave up all jurisdiction over the airport, but stipulated that the Virginia liquor law should apply there, prohibiting the sale of liquor.

Virginia also has the right to serve processes, such as warrants, summonses and subpoenas, at the airport.

Appeals Court Denies Charges Of Racial Bias

Decision Holds That Brakemen Cannot Bypass Special Board

FORT WORTH, Tex.—(NNPA)—The Fifth United States Circuit Court of Appeals has affirmed the decision of the Federal District Court for the Western District of Texas holding that colored brakemen cannot by-pass the National Railroad Adjustment Board and sue in the federal courts upon grievances with their employer because they are barred from membership in the unions which select the labor members of the board.

Attorneys for the colored brakemen, F. S. K. Whittaker, of Houston, Oliver W. Johnson, of San Antonio, and Charles H. Houston and Joseph C. Waddy, of Washington, D. C., have filed a motion for a rehearing.

The appellate court denied the charge of the brakeman's counsel that the structure of the First Division of the National Railroad Adjustment Board "is fatally tainted with race discrimination."

NO RACIAL ELEMENT

The court in its opinion declared that "the dispute here involves no racial element whatever. The fact that the brakemen in one group are Negroes,, in the other whites, has no bearing on the demands of the B. R. T. (Brotherhood of Railroad Trainmen) lodges that they be allowed to run off accumulated mileage, none on the insistence of the colored railway trainmen that none of them should be displaced.

"The doctrine, that in circumstances of this kind a person is entitled to a special tribunal or special treatment because of the color of his skin, has never prevailed in this country, in or out of the courts.

"If the position taken here should be sustained, the United States and every state must redraft all its laws, remake all its appointments."

The colored brakemen, who sued, are employed by the St. Louis, Brownsville, and Mexico Railroad and are members of the Colored Trainmen of America. They sought to enjoin the enforcement of an award of the First Division of the national Railroad Adjustment Board against the San Antonio, Uvalde and Gulf Railroad and two subordinate lodges of the Brotherhood of Railroad Trainmen.

WHITES DUE 229,000 MILES

The first Division found that the white trainmen were due 229,000 miles accumulated because colored brakemen had been permitted to run on the St. Louis, Brownsville and Mexico over seventeen miles of San Antonio, Uvalde and Gulf lines.

The Brotherhood asked the First Division to permit the white brakemen to run off this accumulated mileage. The only way this could be done was displacing the colored brakemen.

The First Division refused to allow the colored brakemen to intervene in the controversy between the brotherhood and, the San Antonio, Uvalde and Gulf over the passenger miles the white brakemen had accumulated and also refused to allow the colored brakemen to present evidence that they had accumulated 330,000 miles by reason of yard jobs given white brakemen.

The colored brakemen brought suit. They challenged the structure of the First Division of the National Railroad Adjustment Board on the ground that five of its ten members represented unions which barred colored workers from membership.

Flouted Educational Equality Order

U. S. Judge Socks Va. School Heads

The Courier Pittsburgh, Pa.
12c
Sah. 5-14-49

(Special to The Courier)

RICHMOND, Va.—Four Gloucester County school officials were fined $200 each in Federal District Court here for contempt of court on the ground that they failed to provide public educational facilities for Negroes equal to those furnished for whites.

They were Stanley T. Gray, chairman of the Gloucester County School Board; Wallace Fletcher and Otis Hogge, board members, and J. Walter Kenney, division school superintendent.

The four were adjudged guilty of contempt last January by Judge Sterling Hutcheson of Norfolk because they failed to obey an injunction he signed last year.

ULTIMATUM Sah. 5-14-49

When he fined the four officials, Judge Hutcheson stipulated that the fines are to be paid within thirty days and he declared that the injunction is still in effect. Further violations, if they occur, will be dealt with as they arise, the judge said.

Martin A. Martin, one of three Richmond attorneys who appeared for plaintiffs in the case, said he and his colleagues regarded Judge Hutcheson's fines as "a fair decision." He added that the decision "lets other counties know what can be done if there is discrimination against Negroes."

Meanwhile, Defense Attorneys Charles Ford and George P. DeHardit, told reporters that the decision may be appealed to the U. S. Fourth Circuit Court of Appeals.

In his argument before Judge Hutcheson, Martin said that while the suit was started about two years ago, very little, if anything had been done to equalize educational facilities in Gloucester County.

ROANOKE, Va.—Saying that white schools in Pulaski County were comparatively inferior to the Negro schools in that county, Federal Judge A. D. Barksdale dismissed a suit filed by a group of Pulaski County Negroes charging that their educational facilities were not equal to those of whites. Judge Barksdale said that both races had inadequatae facilities.

DO IT NOW! Sah. 5-14-49

"The processes of the court should be vindicated," he said, "and the schools equalized as soon as possible."

On the other hand, Ford DeHardit and Gloucester County Commonwealth's Atty. John T. DuVal contended that the four school officials had done their best to equalize facilities since January. DuVal said he, as an individual attorney, represented Gray and Fletcher.

DEFEAT BOND ISSUE

Several witnesses testified concerning efforts to induce voters of Gloucester County to approve a $300,000 bond issue for construction of a Negro high school. The referendum was defeated early this year by a wide margin. Gray said he 'buttonholed" every voter he saw in an effort to win approval of the bond issue. Originally, the School Board planned a bond issue of $750,000, but this figure later was reduced.

Judge J. Douglas Mitchell of the Thirteenth Virginia Judicial Circuit, said he advised that the lower figure be submitted to the voters because he was convinced, after talking with white and Negro residents of Gloucester County, that the larger issue would be defeated.

After the bond issue failed to win approval, the School Board applied for a $50,000 loan from the State Literary Fund to be used for construction of a unit for a new Negro training school. The State gave the Gloucester officials top prioirity on their application. The $50,000 should be available during the next few months. Since then, the Gloucester board has filed a second application for a $50,000 loan with the State Department of Education. This is to be acted on later this month.

Following the adjournment of court, it was not clear whether the Gloucester County School Board or the individual members are responsible for payment of the fines.

Sah. 5-14-49

One of the attorneys for Negroes in the Gloucester School discrimination case said his office has "eight or ten similar suits nearly ready for filing against officials of other Virginia Counties." The attorney, Martin A. Martin, declined to name the "eight or ten" counties and added that he hoped the fining of the Gloucester officials will make the filing of the remaining suits unnecessary.

Meanwhile, cases similar to the Gloucester case are still pending here in Federal District Court against school officials of King George and Surry Counties.

Va. School Board Held in Contempt

The Afro American

Judge Defers Penalty in Suit for Equality

Baltimore, Md.
Sat. 1-22-49

RICHMOND, Va.—(NNPA) — Federal District Judge Sterling Hutcheson last Thursday adjudged the Gloucester County School Board and its division superintendent in contempt of court for failure to abide by his order against discrimination in Gloucester's white and colored schools.

He deferred imposition of penalties until April and said he would take into consideration any further steps toward equalizatior made in the interval.

A Federal judge's power to punish for contempt is limited by his own discretion.

Sat. 1-22-49

Didn't Try Hard Enough

Judge Hutcheson, in an 18-page opinion which he read before attorneys in the case, made it plain that he thought the board and the superintendent had tried to comply, in part, with his order.

He pointed out that they complied on the first point of his original decree forbidding discrimination in "courses provided," but had failed on the second point, discrimination in "facilities provided."

Sat. 1-22-49

The jurist ruled that the board and superintendent had not tried hard enough to offset the contempt charge brought by attorneys who represented the county's colored school children and parents in their case against the board.

Liable for Punishment

Liable for punishment now are J. Walter Kenney, division superintendent, and teh school board members—Chairman Stanley T. Gray, Wallace Fletcher and Otic Howge.

The Afro American

The judge said the board had "lacked in diligence," and that its members appeared to "consider themselves clothed with immunity because they do not have the money with which to erect a new building" for colored students.

Board's 'Scare' Ignored

Judge Hutcheson said also in his decision: "The defendants charge the plaintiffs' purpose is to eliminate segregation of the races, and then offer to inject into the case at this time an issue as to whether the colored buildings are adequate.

Baltimore, Md.

"These issues are beside the point. The fact remains that the defendants have provided separate buildings, one group of which is decidedly superior to the other."

Virginia (White Primary)

LAST NAIL IN THE COFFIN

The Afro American Baltimore, Md.

In an opinion handed down by Judge John J. Parker, the U.S. Fourth Circuit Court of Appeals at Richmond, Va., last week, upheld a district court decree outlawing the lily-white primary in South Carolina.

The opinion affirmed the ruling of District Judge J. Waties Waring of Charleston, S.C., whose history-making decree, handed down almost two years ago, branded as "pure sophistry" the contention of South Carolina whites that a private club setting up rules to determine voting qualifications was not subject to court regulations.

Judge Waring had enjoined the defendants in this now celebrated case from practicing racial discrimination in elections and the Circuit Court ruled that the injunction was "properly granted."

The new ruling means that colored persons in South Carolina must be accorded full membership in the Democratic party which includes the right to participate in primary elections.

The U.S. Supreme Court had already upheld an earlier ruling by Judge Waring opening the party's primaries to all.

Said Judge Parker:

> Even though the election laws of South Carolina be fair upon their face, yet if they be administered in such way as to result in persons being denied any real voice in government because of race and color, it is idle to say that the power of the State is not being used in violation of the U.S. Constitution.

Judge Parker's opinion cited the 14th and 15th Amendments as guaranteeing colored citizens "full participation in the process of government."

Jul. 5-28-49

Significance of the decision lies not only in its application to South Carolina but in its effect throughout the South wherever there might be any attempts to revive the lily-white primary.

It is not likely that there will be further appeal inasmuch as the Supreme Court has twice ruled on this matter and all opinions so far have been in favor of full political participation by all citizens.

Jul. 5-28-49

Even the most reactionary Dixie diehard should be able to recognize this handwriting on the wall.

For those who entertained the slightest hope that the white primary could survive, there should be no question now. Judge Parker has driven the last nail in the coffin.

12c 1949

Washington National Airport

Suit Filed By Cafe Is Dismissed

Judge Bryan Rules Air Agency Official's No. 1-C Order Valid.

By NNPA News Service

ALEXANDRIA, Va. —Judge Albert V. Bryan in the United States District Court here Monday, denied the motion of Air Terminal Services, Inc., for a preliminary injunction to restrain the Civil Aeronautics Administration from enforcing its order banning racial segregation at the Washington National Airport and dismissed the plaintiff's suit.

He rendered his decision after an all-day argument over the question of whether the Federal Assimilated Crimes Act made the Virginia Jim-Crow statutes applicable to the airport.

(The Federal Assimilated Crimes Act incorporated into the Federal Criminal Code criminal laws of Virginia in force on April 1, 1940, and made those laws applicable to offenses committed within the boundaries of the airport.)

MOTION AMENDED

In denying the motion for a preliminary injunction and dismissing the suit, Judge Bryan said he felt the complaint did state a cause of action under the Administrative Procedures Act sufficient to bring the CAA administration under the jurisdiction of his court.

PART OF MOTION WITHDRAWN

After the luncheon recess, the government had submitted to the jurisdiction of the court and withdrawn that part of its motion as to the defendant, Delos W. Rentzel, CAA administrator.

ORIGINAL CONTENTION

The government had contended at the morning session that the United States District Court for the eastern district of Virginia lacked jurisdiction for want of proper venue.

Although Mr. Rentzel was served at his home in Alexandria, government counsel contended that, under federal law, a public official can be sued only in the place of his official residence, and the district of Columbia is the official residence of the CAA administrator.

Since the government had submitted to the jurisdiction of the question of proper venue as the court, Judge Bryan said, to Mr. Rentzel was no longer a matter for his consideration.

2ND CASE DISMISSED

Judge Bryan also dismissed the case as to United States Attorney George R. Humrickhouse because he did not think the suit was properly brought against him and the court had no jurisdiction to enjoin the prosecution of criminal offenses.

As to the Virginia Jim-Crow statute, Judge Bryan said he would assume, but not decide, that it covered restaurants.

That assumpton, he said, brought him to the question of whether the Assimilated Crimes Act would prevent the CAA administrator from issuing a non-discrimination order, as he had done.

In his opinion, he said, the Assimilated Crimes Act incorporated state law to fill gaps in federal law, and it did not incorporate statues which were contrary to public policy.

COMPLAINT DISMISSED

He said he felt the CAA administrator did have authority to issue the regulation in question and, therefore, he denied the motion for a preliminary injunction and granted the motion to dismiss the complaint.

Counsel for Air Terminal Services, Inc., and for the government immediately went in to a huddle to draft a decree in accordance with the decision.

Court Upholds Conviction of Md. Negro

The Supreme Court by a 5 to 4 vote yesterday upheld the murder conviction of a Negro who charged Negroes were not fairly represented on Baltimore grand juries.

Without an opinion, the Supreme Court affirmed the first degree murder conviction of Sam Zimmerman of Baltimore. The Baltimore grand jury which indicted him on September 5, 1946, included 22 white persons and one Negro.

Rehearing Refused

In another decision, the high court refused to rehear a case in which it had previously ruled trial juries in the District can be composed entirely of Federal employes.

Rehearing had been requested by counsel for Robert Frazier, convicted of violating the Harrison Narcotics Act. The Supreme Court stood by its 5-to-4 decision last month that there is no denial of impartial trial by jury beacuse a properly impanelled jury happens to represent but one element of the community.

In the Baltimore case, lawyers for the convicted murderer claimed that from 1910 to and including the grand jury for the May term of 1946, "there has served on every grand jury no more and no less than one Negro with two exceptions in 1945." Two Negroes served on each of two grand juries in 1945, according to lawyers for Zimmerman who was indicted by the May term grand jury of 1946.

Procedure Improved

Hall Hammond, attorney general of Maryland, replied that the judges of the Supreme Bench of Baltimore took steps to improve the method of selecting grand jurors in 1944. One step taken, Hammond said, was to remove distinguishing marks after names of Negroes listed as prospective jurors.

Three Negroes were selected to serve on the grand jury which indicted Zimmerman but two were excused at their own request, Hammond said.

Zimmerman, 24, was sentenced to life imprisonment in 1947 for the murder of John Hardy in 1945.

Supreme Court Splits 5-4 In Upholding Judge Who Sent Negro's Lawyer to Jail for Contempt

Texan On Bench Is Denounced By Dissenters

Washington, Feb. 7 (AP)—The Supreme Court split today in upholding, 5 to 4, a Texas judge who sent a lawyer representing a Negro client to jail for contempt after a bitter courtroom row.

The lawyer, Joe J. Fisher, told the Supreme Court the fact that his client was a Negro and that the judge's son was on the other side of the case might have had something to do with the judge's attitude. But the majority found nothing to warrant upsetting the verdict.

Here was the case:

District Judge F. P. Adams of Jasper County, Texas, objected to Fisher's line of argument in a workmen's compensation case. He warned the laywer he'd be fined "if you mess with me 2½ minutes." Fisher took exception to this and Judge Adams fined him $25. As their exchange continued, the judge raised the penalty three times. The final outcome: a $100 fine and three days in jail.

Upheld by Court.

This was upheld by the Texas Supreme Court and the majority here agreed. It saw nothing to indicate any disregard of Fisher's rights.

But dissenting justices denounced the Texas court.

Justice Douglas: "A perversion of the judicial function."

Justice Rutledge: "Unjudicial language." The Texas court "acted in the heat of temper."

For the majority, Justice Reed said that Fisher went beyond the bounds of premissible argument in addressing a jury. And he pointed to "the inherent power" of courts to punish contempts in the face of the court."

Decides to Reconsider.

In other actions today the Supreme Court:

1. Agreed to reconsider its 4-4 decision of December 20 upholding the conviction of Carl Aldo Marzani, former State Department employee, on charges of making false statements to a department superior about Communist Party activities. Marzani has been sentenced to serve one to three years in prison.

2. Ruled 7 to 2 that a Georgia State court can intervene in Federal Court proceedings affecting the Southwestern Railway.

Chief Justice Vinson read the majority opinion approving a New Orleans circuit court holding that Bibb County, Georgia, court acted within its rights in staying Southwestern's purchase by the Central of Georgia Railway. Central is being reorganize under the Federal Bankruptcy Act.

Injunction Obtained.

Minority stockholders of Southwestern obtained the State court injunction on grounds that the railroad did not have unanimous consent of its stockholders to sell out to Central. They contended that Southwestern was offered about $3,900,000 in Central bonds, but that the property has a book value of $9,500,000.

The Texas contempt case arose out of a workmen's compensation case in which Fisher represented Anderson Godfrey, an injured laborer. His petition to the Supreme Court said the fact that Godfrey was a Negro might have been one reason for Judge Adams' "ill temper and obviously, baised attitude."

"Perhaps the fact that one of the opposing counsel was the judge's son (T. Gilbert Adams) was also not a negligible factor," the petition said.

Called 'Victim of Pique.'

Fisher was thrown into the County Jail at 9:30 a.m. on the days of the incident, June 17, 11947. At 4:30 p.m. he was released on $500 bond pending outcome of his appeal.

Douglas in his dissent said Fisher was acting only the role of a zealous attorney. The only inference he can draw from the record, Douglas said, is that "The judge picked a quarrel with this lawyer and used his high position to wreak vengeance on him. . . . This lawyer was the victim of the pique and hotheadedness of a judicial officer who is supposed to have a serenity that keeps him above the rabble and crowd. That is as much a perversion of the judicial function as if the jurge who sat there had a pecuniary interest in the outcome of the litigation."

Supreme Court Reverses Three Capital Cases by Negroes

WASHINGTON, D. C.—(NNPA)—The United States Supreme Court Monday reversed State courts in three capital cases on the grounds that police officers had taken advantage of custody of prisoners to force confessions upon which convictions were based.

The courts reversed were the Supreme Courts of Indiana, South Carolina, and the Commonwealth of Pennsylvania.

Seven opinions were written in three cases. The majority opinion in each case was written by Justice Felix Frankfurter, with Justice F. Murphy and Justice Wiley Rutledge concurring, and separate concurring opinions by Justice William O. Douglas.

Justice Robert H. Jackson wrote a separate opinion, in which he concurred in the results in the case of Robert A. Watts, who was convicted in the Shelby County (Indiana) Circuit Court and sentenced to die in the electric chair for the rape-murder of Mary Lois Burney.

JACKSON DISSENTS

Justice Jackson dissented, however, in the cases of L. D. Harris, who was convicted in the Court of General Sessions for Aiken County, South Carolina, of the murder of Edward L. Bennett and his wife, and of Aaron Turner, who was convicted of first degree murder in connection with the felonious death in Philadelphia of one Frank Andres.

A question of due process of law was involved in each case. In all three cases there were the common elements of force and intimidation in the forms of prolonged, brutal and grueling questioning, the denial of the right to each of the prisoners to have relatives, friends or counsel visit them during the period of their inquisitions, and the use against each of the convicted men of the confessions obtained from them under such circumstances.

Covenant Test Won

Supreme Court Reverses Three Capital Cases by Negroes

WASHINGTON—(AP)—The Supreme Court refused to consider a new test case against Negroes who buy property in white residential developments covered by restrictive covenants.

On May 3, 1948, the tribunal ruled that lower courts could not enforce similar restrictive agreements on properties in Detroit, St. Louis and the District of Columbia.

Its latest action had the effect of upholding that ruling.

* * *

THE MARYLAND Court of Appeals cited the ruling in refusing to enforce a covenant against two Negro couples who bought properties in a development in Anne Arundel County, Md.

In another case Monday, the Supreme Court refused to reconsider its two-month-old decision that states could ban union slowdowns in wage-dispute cases.

The National Labor Relations Board had sought to reopen the case on the grounds that the NLRB had not realized its full significance when it first came to the Court from Wisconsin.

None was beaten. All three confessed. All three were convicted.

Until he had confessed, none of the men was allowed to see friends or a lawyer, and none was told he had a constitutional right not to say anything which might later be used against him.

In all three cases the Supreme Court upset the conviction and ruled the men had been deprived of their constitutional right of "due process" of law.

Which means it was contrary to the constitution to hold them so long for questioning before letting them see a lawyer—who would have told them not to confess—or before charging them.

Said the court: "There is a torture of the mind as well as of the body. The will is as much affected by fear as by force. . . . A confession (which) is the product of sustained pressure by the police . . . does not issue from a free choice."

In other words, the court said, the men had not really made a voluntary confession. The court went on:

MARLOW

rily mean beating a prisoner. It may mean talking to him, so long—(how long wasn't made clear by the court)—that he finally caves in and confesses.

But how long then do cops have a right to question a prisoner without depriving him of his constitutional the convicted man appeals to the

High Court Calls Hand Of Police

WASHINGTON, June 2[illegible]—(AP)—The Supreme Court has told American cops to do a real detective job instead of trying to pressure a suspect into making a confession against himself.

The pressure doesn't necessa-

Supreme Court, there a good chance the court will rule in his favor and throw out his confession and the conviction which followed it.

Future decisions of the court can't be predicted, of course, but that's how the court acted Monday in the case of three Negroes, all found guilty of murder: One in Pennsylvania, one in Indiana, and one in South Carolina.

* * *

IN EACH CASE the men were grabbed as suspects by police, questioned by them in relays for days.

NAACP Brings Justice Again; 25th Supreme Court Victory

Daily World
Atlanta, Ga.

WASHINGTON— The United States Supreme Court this week handed down a 6-3 decision reversing the conviction of Robert Austin Watts of Indianapolis for murder after an appeal from this conviction was argued before the high court by Special Counsel Thurgood Marshall and Assistant Special Counsel Frank H. Williams of the National Association for the Advancement of Colored People.

In announcing the reversal of Watts' conviction, Justice Felix Frankfurter asserted that there is "torture of mind as well as body" and pointed out that Watts had been subjected to continued gruelling of law enforcement are essentially self-defeating, whatever may be their effect in a particular case."

SPECIAL OPINION

Mr. Justice Douglas in a special concurring opinion stressed the illegality of the practice of holding prisoners without arraignment for the sole purpose of extorting confessions from them. He stated:

"Detention without arraignment is a time-honored method for keeping an accusation under the exclusive control of the police. They can then operate at their leisure. The accused is wholly at their mercy. He is without the aid of counsel or friends and he is denied the protection of the magistrate. We should unequivocally condemn the procedure and stand ready to outlaw any confession obtained during the period of the unlawful detention. The procedure breeds coerced confession. It is the root of evil. It is the procedure without which the inquisition could not flourish in the country."

The NAACP in appealing the conviction, contended that it was based upon a confession obtained through the use of force, duress, and intimidation, and that it was further invalidated by the fact that Negroes had been systematically excluded from grand jury service in Marion County, Indiana, where Watts was indicated, over a a long period of years. Watts was convicted by the Circuit Court of Shelby County, and an appeal made on his behalf by NAACP Attorneys Warren M. Brown Emerson L. Brunner, Willard B. Ransom and Henry J. Richardson of Indiana was denied by the State Supreme Court. All of these attorneys assisted in preparing the briefs filed by the national office of the NAACP in the U. S. Supreme Court.

questioning and had been denied a preliminary hearing until days had elapsed.

"In holding that the Due Process Clause bars police procedure which violates the basic notions of our accusatorial mode of prosecuting crime and vitiates a conviction based on the fruits of such procedure," the majority opinion declared, "we apply the Due Process Clause to its historic function of assuring appropriate procedure before liberty is curtailed or life is taken . . The history of criminal law proves overwhelmingly that brutal methods of

The Watts case is the 25th victory out of 28 cases argued by NAACP attorneys before the highest court in the country. Both Mr. Marshall and Mr. Williams pointed out that the continued concern of the NAACP is that Negro citizens charged with crime be tried under the requirements of U. S. Constitution.

U. S. Justices Strike Down Boswell Law

White Supremacy Group Intensifies Efforts For New Voter Law

Folsom Pleased

Mobile Negro Leader Says Statewide Registration Campaign Is Planned

From Press Dispatches

The U. S. Supreme Court struck down Alabama's ballot-limiting Boswell amendment yesterday. It found the state law designed to keep Negroes from voting.

The court's action brought these immediate developments:

1. White supremacy advocates intensified efforts to get a new voter qualification law in shape for the 1949 legislature convening in May;

2. A Mobile Negro leader said a statewide campaign to register Negroes would get under way shortly.

The Boswell amendment was adopted in 1946. It required applicants for registration as voters to be able to "understand and explain" the United States Constitution to the satisfaction of county boards of registrars.

No Opinion Written

A special three-judge U. S. District Court ruled last Jan. 7 that the intent of the amendment, and its effect in practice, was aimed at "discriminating against applicants for the franchise on the basis of race."

The Supreme Court upheld this ruling in a brief, unsigned opinion. It said only that "the judgment is affirmed."

Justice Reed dissented on a point of procedure, but not from the decision itself.

Reed noted that since the constitutional provision of a state was involved, he felt the court should have heard arguments on its legality. The court acted without hearing argument.

The court had been asked by the Mobile County Board of ...rars to review and reverse the district court finding.

A preliminary meeting of proponents of a new voter qualification law was held in Montgomery recently. State Democratic Party Chariman Gessner T. McCorvey, of Mobile, one of those who attended, said drafting a substitute for the Boswell amendment is under way.

Registration Jumps

McCorvey has suggested that the substitute measure, which would have to be voted on by the people, follow the line of Mississippi's voter qualification laws. The Mississippi law requires voters to be able to give a "reasonable interpretation" of the state constitution.

Since the Boswell Amendment was ruled out, an estimated 1,200 Negroes have registered for voting in Mobile County. Scattered reports indicated there has been little change in the rest of Alabama. Only 104 Negroes were registered in Mobile in two years under the Boswell Amendment.

J. J. Thomas, president of the Negro Voters and Veterans Association, of Mobile, said other chapters of the association are being organized throughout the state, and that it is hoped that additional Negroes will be registered "as soon as they have been trained."

Thomas said his group conducted classes to train Negroes in citizenship and the U.S. constitution. His group sponsored the test of the Boswell Amendment.

Will Still Owe Tax

Even with the Boswell law out of the way, Alabama's cumulative poll tax law would make it expensive for many Negroes to register. The poll tax is $1.50 per year, but if a would-be voter is 45, he would have to pay $36 in back poll taxes. War veterans are exempt from the time they entered service.

Such a substitute as McCorvey suggests would face opposition. Gov. James E. Folsom, who advocates repeal of the poll tax, said here he is pleased with the Supreme Court decision.

"I think the Supreme Court decided right," Folsom said. He opposed the Boswell Amendment when it was up for adoption.

A law somewhat similar to the Boswell Amendment was recently enacted by the Georgia legislature at the behest of Gov. Herman Talmadge.

The Georgia law requires that a prospective voter must be able to read or write the state and federal constitutions "intelligibly or legibly" to the satisfaction of registrars. If he cannot do either, the registration applicant must be able to answer at least 10 of 30 questions dealing with government.

Supreme Court Bans Alabama's Vote Law

WASHINGTON—(UP)—The Supreme Court yesterday nullified an Alabama law requiring Negroes to pass a so-called "white supremacy" intelligence test in order to vote.

It affirmed, 8 to 0, a lower court finding that the "Boswell Amendment" to the Alabama State Constitution is invalid. The provision requires prospective voters to explain, to the satisfaction of election boards, any article of the Federal Constitution.

BIRMINGHAM, Ala. — (AP)— A new voter registration law to replace the Boswell Act, ruled invalid by the U. S. Supreme Court, will be one of the problems before the Alabama legislature this year.

The Boswell Act required a would-be voter to be able to explain the Federal Constitution. Negroes contended it was a device aimed to preventing members of that race from voting.

A three-judge Federal Court for the Southern District of Alabama enjoined the Mobile County Board of Election Registrars from carrying out the requirement. The Board petitioned the high court for a review but was turned down.

The lower court held that the amendment was intended solely to keep Negroes from voting.

It said the proposal was sponsored by the Democratic Party's State Executive Committee "to make the Democratic Party in Alabama the white man's party." It added that white voters were not required to make the test which imposed "an exceedingly high, if not impossible standard."

Only Justice Stanley F. Reed favored granting the Board a hearing. He said the high court should consider its appeal "in view of the fact that a constitutional provision of a State is involved."

In another ruling yesterday the Court granted Harold Christoffel, one-time CIO official, a review of his conviction of lying to the House Labor Committee in saying he never was a Communist.

In other decisions, the Court:

Ruled unanimously that the Women's Sportswear Manufacturing Association of Boston violated Federal anti-trust laws by requiring 21 clothing jobbers to sign an agreement that they would deal only with Association contractors.

Dismissed an appeal by Woodworth McLaurin, an East Jackson, Miss., Negro, who is sentenced to die for a fatal cafe shooting in 1947.

Refused an appeal by the New York, New Haven and Hartford Railroad attacking the legality of a Massachusetts law providing for dissolution of the Boston Railroad Holding Company.

NEW YORK — (AP) — Monday's market trends:

Stocks—Mixed; price movements restricted.

Bonds—Irregular; changes narrow.

Cotton — Irregular; hedging, short covering.

Exchange Sales—Stocks, 700,000 shares; bonds, $2,280,000; curb stocks, 180,000 shares; curb bonds, $120,000.

CHICAGO—Grain and livestock market trend Monday:

Wheat—Firm; short-covering.

Corn — Steady; cash receipts light.

Oats—Steady with corn.

Hogs—Steady to 25 cents higher; top $21.75.

Cattle—Steady to 75 cents lower; top $29.

12d 1949

Boswell Amendment

Ban on Alabama Voter Test Upheld by Supreme Court

Washington Post

A State cannot set up voting requirements which, in effect, make the Democratic Party a "white man's party," the Supreme Court ruled yesterday.

The ruling came on the 1946 Boswell amendment to the Alabama State constitution, requiring voters to "understand the duties and obligations" of good citizenship and explain the Federal Constitution. The lower court declared the amendment unconstitutional and the Supreme Court yesterday upheld the ruling by refusing to consider the case.

Only Justice Stanley F. Reed favored the granting of a hearing. He said one should be held because a State constitutional provision was involved.

The high court's action was in line with earlier decisions striking down attempts to limit Negro voting in Southern States.

A special three-judge Federal Court in Alabama had said flatly the Boswell amendment was sponsored by the State executive committee of the Democratic Party "to make the Democratic Party in Alabama 'the white man's party.'" The lower court added that white voters were not required to meet the tests which imposed "an exceedingly high, if not impossible standard" for voting.

The Supreme Court, in another case upheld the Government's contention that the Women's Sportswear Manufacturers Association of Boston had violated the antitrust laws by an agreement "to restrict competition and to control prices and markets."

Justice Robert Jackson, for the court, said inclusion of labor provisions in the agreement was no bar to antitrust prosecution. He said "benefits to organized labor cannot be utilized as a cat's paw to pull employers' chestnuts out of the antitrust fires."

Supreme Court Refuses Review Of Union Case

Daily World
Atlanta, Ga.

Randolph Hails Victory Against R. R. Brotherhoods

NEW YORK, N. Y.—The United States Supreme Court May 27 turned down the petition of the Brotherhood of Railroad Trainmen to review the decision of the Circuit Court of Appeals of Chicago which rejected attempt by the white Train men to drive Negro train porters off their jobs on the Atchison, Topeka and Santa Fe Railroad, A. Philip Randolph, International President of the Brotherhood of Sleeping Car Porters at the headquarters in New York City reported Monday.

Officials of the Brotherhood of Sleeping Car Porters hail this victory over the Brotherhood of Railroad Trainmen for the Negro train porters as the first major defeat of the trade union supremacists to make the railroads a lily-white industry, a movement led by the Brotherhood of Railroad Trainmen and the Brotherhood of Locomotive Enginemen and Firemen.

SUIT BROUGHT

Under the leadership of the Brotherhood of Sleeping Car Porters a suit was brought to enjoin the enforcement of an Award by the National Railroad Adjustment Board, entered April 20, 1942, which Award was based upon a hearing without notice and without giving the plaintiffs, train porters an opportunity to appear and defend as provided by the Railway Labor Act, although the plaintiffs, train porters, were involved and were substaintially affected by the order and Award.

The Award of the National Railroad Adjustment Board, the application and enforcement which has been stopped by injunction proceedings by the Brotherhood of Sleeping Car porters, would cause the Negro train porters to lose positions held by them as a class for more than forty years and also cause a reduction in the wages. Wed. 6-8-49

Mr. Randolph pointed out that the right to secure and make permanent the injunction against the Santa Fe Railroad, the Brotherhood of Railroad Trainman and the National Railroad Adjustment Board has been long, difficult and expen sive and could not, with much success, have been undertaken and prosecuted by an organization of less scope and proportions than the Brotherhood of Sleeping Car Porters, locked, as it were, in combat with the Brotherhood of Railroad Trainmen, one of the most powerful of the Big Four railroad unions. Ninety-five jobs of train porters are involved in this fight, said Mr. Randolph and their pay is the same as that of the white brakemen.Richard E. Westbrooks of Chicago is the attorney for the train porters in the case.

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The World
Memphis, Tenn.
Fri. 6-10-49

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Tue. 6-12-49

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U. of Ky. Bows To U. S. Decision

Pittsburg Courier

LEXINGTON, Ky.—Officials of the University of Kentucky announced last week that its administrative offices will not appeal the decision of Federal Judge H. Church Ford ruling that the college must allow Negroes to enter the institution's graduate school. President H. L. Donovan announced the decision which was made by the trustees with Governor E. C. Clements present as an ex-officio member of the board.